

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF ALABAMA

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December 22, 2006

**NOTICE OF CORRECTION**

**From:** Clerk's Office

**Case Style:** Donald Thornton, et al. v. Rollin Vaughn Sowards

**Case Number:** #2:06-cv-01072-MHT

**Referenced Document:** Document #7  
Second Motion to Amend/Correct Notice of Removal

**This notice has been docketed to enter the corrected pdf of the referenced document into the record. The original pdf did not contain the motion. The corrected pdf is attached to this notice.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

DONALD and MARY THORNTON, )

Plaintiffs, )

vs. ) Case No.: 2:06-cv-1072

ROLLIN VAUGHN SOWARDS and, )

PROGRESSIVE INSURANCE CO., )

Defendants.

**MOTION FOR LEAVE TO AMEND**  
**DEFENDANT'S NOTICE OF REMOVAL**

COMES NOW THE DEFENDANT, Rollin Vaughn Sowards, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, respectfully requests this Court to GRANT its Motion for Leave to Amend Defendant's Notice of Removal. As grounds therefore, the Defendant states as follows:

1. Per the Court's Order, this Defendant was required to file its Amended Notice of Removal no later than Thursday, December 21, 2006.
2. On Wednesday, December 20, 2006, this Defendant inadvertently filed its Amended Notice of Removal without correcting the jurisdictional defect in the original Notice of Removal.
3. As such, this Defendant now respectfully requests this Court to grant its Motion for Leave to Amend its Notice of Removal.
4. Rule 15(a) of the Federal Rules of Civil Procedure provides that a pleading may be amended after a response has been filed, with leave of court, and that "leave shall be freely given when justice so requires." The Supreme Court has instructed that courts should heed the

mandate of Rule 15(a) and that leave should be freely given. Forman v. Davis, 371 U.S. 178, 182 (1962).

5. The purpose of Rule 15 is to facilitate decisions on the merits rather than on the pleadings or technicalities. See id.

6. This Defendant states that no party will be prejudiced by this amended pleading.

WHEREFORE ALL PREMISES CONSIDERED, the Defendant, Rollin Vaughn Sowards, hereby respectfully requests this Court to GRANT its Motion for Leave to Amend Defendant's Notice of Removal.

This the 21<sup>th</sup> day of December, 2006.

/s/ Richard E. Crum, Esq.

Richard E. Crum, Esq.  
Attorney for Defendant,  
Rollin Vaughn Sowards

Of Counsel:  
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**CERTIFICATE OF SERVICE**

I hereby certify I have this date mailed a copy of the foregoing properly addressed and postage prepaid, to:

William B. Alverson, Jr., Esq.  
ALBRITTONS, CLIFTON, ALVERSON  
MOODY, & BOWDEN, P.C.  
Post Office Drawer 880  
Andalusia, Alabama 36420  
(334) 222-3177

This the 21<sup>th</sup> day of December, 2006.

/s/ Richard E. Crum, Esq.

Of Counsel